

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/18/2001

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

M. Cearfoss
Deputy

LC 2001-000379

FILED: _____

LEONEL LOZA LOPEZ

SCOTT MCALISTER

v.

STATE OF ARIZONA

MARIA C BREWER

CHANDLER CITY-MUNICIPAL COURT
REMAND DESK CR-CCC

MINUTE ENTRY

CHANDLER CITY COURT

Cit. No. 153909

Charge: 1. ASSAULT

DOB: 03-24-1962

DOC: 07-01-2000

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution, Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement and the Court has considered and reviewed the record of the proceedings from the Chandler City Court and the memoranda submitted by Appellant. No memorandum was submitted by Appellee.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/18/2001

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

M. Cearfoss
Deputy

LC 2001-000379

This case involves an appeal by the State of a restitution order after conviction of the Appellee for the crime of Assault, a class 1 misdemeanor, in violation of A.R.S. Section 13-1203(A)(1). At the time of sentencing on May 25, 2001, the Court ordered Appellee to pay restitution of \$467.38 to Southwest Ambulance and \$2,223.44 to Chandler Regional Hospital. The State objected indicating that the restitution should be payable to the victim, Victor Valencia, not the individual service providers. Appellee requested that the restitution order be payable to the service providers and not the victim, to insure payment to the service providers.

The law concerning this issue is clear. A.R.S. Section 13-603(C) provides in part:

(C) If a person is convicted of an offense, the Court shall require the convicted person to make restitution to the person who is the victim of the crime or to the immediate family of the victim if the victim has died, in the full amount of the economic loss as determined by the Court and in the manner as determined by the Court or the Court's designee pursuant to Chapter 8 of this Title (emphasis added).

A.R.S. Section 13-804(E) also provides for restitution payable directly to the victim. This subsection provides for an alternate payee only where the victim "has received reimbursement for the victim's economic loss from an insurance company, a crime victim compensation program" may the Court order restitution to that entity who provided reimbursement to the victim. Arizona law does not provide for restitution orders payable to persons other than the victim, the victim's surviving family, or person who have reimbursed the victim. Therefore, this Court concludes that the trial court erred in ordering the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/18/2001

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

M. Cearfoss
Deputy

LC 2001-000379

restitution be paid to Southwest Ambulance and Chandler Regional Hospital.

IT IS THEREFORE ORDERED reversing the restitution order of the trial court and remanding this matter back for entry of a new restitution order requiring that the restitution be payable in full to Victor Valencia.